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**14** Synthes Spine Company, L.P.  
and Spine Solutions, Inc.

15                   **UNITED STATES DISTRICT COURT**  
16                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
17                   **SAN FRANCISCO**

19           **CALVIN TIMBERLAKE and**  
20           **KAREN TIMBERLAKE,**  
21           **Plaintiffs,**  
22           **vs.**  
23           **SYNTHESES SPINE COMPANY, L.P.**  
24           **Defendant**  
25  
                    ) CASE NO. CV 08 80067MISC VRW  
                    )  
                    ) CASE NO. 6-08-CV-0004 (S.D.  
                    ) Tex.)  
                    )  
                    ) ~~PROPOSED~~ ORDER  
                    ) GRANTING CONSENT  
                    ) MOTION TO STAY  
                    ) PROCEEDINGS  
                    )  
                    )

## ORDER

27 Before the Court is Plaintiffs Calvin Timberlake and Karen Timberlake and  
28 Defendants Synthes Spine Company, L.P. and Spine Solutions, Inc.'s (hereinafter

1 collectively “the Parties”) Consent Motion for Stay of These Proceedings  
 2 pursuant to the Parties’ Stipulation of Agreement Regarding Plaintiffs’ Subpoena  
 3 for Records. Considering the Motion, the evidence, argument of counsel if any,  
 4 and all papers on file, the Court finds the Motion should be GRANTED.

5 It is ORDERED that (1) no hearings will be scheduled nor will the Parties  
 6 proceed in this Court with respect to Plaintiffs’ Subpoena for Records or  
 7 Defendants’ Motions to Quash prior to a ruling on Defendants’ Motions for  
 8 Protective Order by the Southern District of Texas in the matter of *Calvin*  
 9 *Timberlake and Karen Timberlake v. Synthes Spine Company, L.P., et al,*  
 10 U.S.D.C. Southern District of Texas, Victoria Divisions, 6-08-CV-4; (2)  
 11 Defendants Synthes and Spine Solutions in no way waive their right to pursue  
 12 their Motions to Quash and objections properly filed in the courts where the  
 13 subpoenas are pending; and (3) Plaintiffs will withdraw any non-party subpoenas  
 14 issued, but not yet served and the effected non-parties will not be required to  
 15 respond or object to Plaintiffs’ subpoenas during the specified time period in  
 16 which this issue is stayed.

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18 SIGNED this 25th day of April, 2008.

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22 JUDGE OF THE US DISTRICT COURT

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ATL 16,851,386v2 4/23/2008